

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AEDES DE VENUSTAS, INC.,

Plaintiff,

07 Civ. 4530 (LTS) (THK)

vs.

VENUSTAS INTERNATIONAL, LLC,

Defendant.

**Declaration Pursuant to Local
Civil Rule 6.1(d)**

JOSEPH M. HEPPT, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I represent the plaintiff, Aedes De Venustas, Inc., in the above captioned matter and I submit this declaration in support of Plaintiff's application for an order to show cause.

2. On April 16, 2007, I sent a letter to Defendant at its offices located at 405 Lexington Avenue, New York. In my letter, I demanded that Defendant cease its infringement, unfair competition and dilution of Plaintiff's well-known AEDES DE VENUSTAS name and mark.

3. On May 7, 2007, I received a letter from Defendant's counsel disputing that the Defendant is infringing on Plaintiff's trademark and refusing to desist from its activities. Based upon this response, it was apparent that there would be no possibility of a settlement and that we would need to seek the assistance of the court.

4. As detailed in the Declaration of Robert Gerstner, Plaintiff's Vice-President, Defendant's continuing infringement on Plaintiff's registered mark is causing actual confusion in the beauty industry and irreparable harm to Plaintiff's property rights, business reputation and good will.

5. An order to show cause with a temporary restraining order is necessary to halt the irreparable harm that is being done to Plaintiff's mark and business reputation.

6. No prior application for the relief requested has been made.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on May 30, 2007.

/s

Joseph M. Heppt, Esq. (JH-4974)